

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

## DIVISION SIX

2d Juv. No. B221767  
(Super. Ct. No. J067517)  
(Ventura County)

Respondent,

M. S.,

Appellant.

Monica S., appearing in propria persona, has petitioned this court for extraordinary writ relief from an order of the juvenile court setting a hearing pursuant to Welfare and Institutions Code section 366.26.<sup>1</sup> We summarily deny the petition because petitioner has completely failed to comply with the procedural requirements of rule 8.452 of the California Rules of Court.<sup>2</sup>

## Procedural Background

Petitioner is the mother of Linden A., born in August 2006. On August 20, 2009, the juvenile court declared Linden A. to be a dependent child of the court. (§ 300.) It

<sup>1</sup> All statutory references are to the Welfare and Institutions Code.

<sup>2</sup> All further references to rules are to the California Rules of Court.

removed him from petitioner's custody and ordered that he be placed in the custody of the Ventura County Human Services Agency (HSA). HSA was ordered to provide family reunification services to petitioner.

On January 13, 2010, the juvenile court terminated family reunification services and set the matter for a hearing pursuant to section 366.26. The hearing date is May 3, 2010. Petitioner was not present when the court ordered a section 366.26 hearing. The court remarked, "[Petitioner] knew we were coming back today, and she's not here." Petitioner's counsel gave no excuse for her absence.

On January 21, 2010, petitioner filed notice of her intention to file a writ petition challenging the order setting a hearing pursuant to section 366.26. The petition was filed on February 4, 2010.

### *Discussion*

Pursuant to rule 8.452(a)(1)(D), the petition must include "[a] summary of the grounds of the petition." Rule 8.452(b)(1) provides that the petition must be accompanied by a memorandum providing "a summary of the significant facts, limited to matters in the record." "The memorandum must state each point under a separate heading or subheading summarizing the point and support each point by argument and citation of authority." (Rule 8.452(b)(2).) The memorandum "must, at a minimum, adequately inform the court of the issues presented, point out the factual support for them in the record, and offer argument and authorities that will assist the court in resolving the contested issues." (*Glen C. v. Superior Court* (2000) 78 Cal.App.4th 570, 583.)

"The petition must be liberally construed." (Rule 8.452(a)(2).) But a liberal construction of the petition cannot cure a complete failure to comply with rule 8.452. Petitioner states that the juvenile court's order was erroneous on the following ground: "Termanated [*sic*]." This single word does not constitute an intelligible claim of legal error. In her summary of the factual basis for the petition, petitioner fails to set forth any facts relevant to the juvenile court's order setting a section 366.26 hearing. Petitioner declares: "Last court date hearing I couldn't be there because it was pouring rain and I was on the bus[.] I would of been soaked. 6 month's didn't comply because I didn't and

haven't been able to see my family for support but I am her[e] now." Furthermore, petitioner has not provided any supporting points and authorities.

"Absent exceptional circumstances, the reviewing court must decide the petition on the merits by written opinion." (Rule 8.452(i)(1).) Petitioner's complete failure to comply with rule 8.452 constitutes exceptional circumstances justifying the summary denial of her petition: "Because of the intolerable burden that would otherwise be foisted on the Courts of Appeal, we deem the failure to tender and substantively to address a specific material issue or issues . . . to be 'exceptional circumstances' . . . which excuse the court from reviewing and determining a petition on the merits." (*Joyce G. v. Superior Court* (1995) 38 Cal.App.4th 1501, 1512; see also *Glen C. v. Superior Court, supra*, 78 Cal.App.4th at p. 584 [court announced that, in the future, it intended to summarily deny petitions that fail to comply with the requirements of rule 8.452]; *Anthony D. v. Superior Court* (1998) 63 Cal.App.4th 149, 157-158 [where petition fails to meet the "threshold requirements" of rule 8.452, it should be summarily denied].)

*Disposition*

The petition for extraordinary writ is summarily denied.

NOT TO BE PUBLISHED.

YEGAN, A.P.J.

We concur:

COFFEE, J.

PERREN, J.

Tari L. Cody, Judge

Superior Court County of Ventura

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M. S., in pro per, Appellant.

County Counsel, County of Ventura, Alison L. Harris, Deputy County Counsel,  
for Respondent.